

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**May 23, 2008**

DIVISION ONE

[illegible]

The order under review is affirmed.

Mallano, Acting P.J.

We concur: Vogel (Miriam A.), J.  
Rothschild, J.

[illegible]

The gang finding on count 1 is reversed with directions on remand to dismiss the gang finding and to determine whether the assault was a felony or a misdemeanor. The true finding on count 3 is reversed with directions on remand to dismiss that count. The juvenile court is further directed to modify condition of probation No. 15 to include the requirement that the minor not associate with anyone known to him to be disapproved of by his probation officer and to modify condition of probation No. 16 to include the requirement that the minor have knowledge that other persons in his presence possess a deadly or dangerous weapon. In all other respects, the order under review is affirmed.

Mallano, Acting P.J.

We concur: Vogel (Miriam A.), J.  
Rothschild, J.

May 23, 2008 (Continued)

## DIVISION ONE (continued)

B197626 People (Not for Publication)  
v.  
Bridges III

The judgment is affirmed.

Mallano, Acting P.J.

We concur: Vogel (Miriam A.), J.  
Rothschild, J.

B198569 People (Not for Publication)  
v.  
Diaz

The judgment is affirmed and the matter is remanded for resentencing.

Mallano, Acting P.J.

We concur: Vogel (Miriam A.), J.  
Rothschild, J.

## DIVISION TWO

Court convened at 9:00 a.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Joyce Hatter, Deputy Clerk.

DIVISION TWO (continued)

Each of the following:

B196974 People v. Holman  
B200650 DCFS v. Angela A.  
B199118 People v. Johnny P.  
B199921 People v. Rodriguez  
B199627 People v. King  
B199618 People v. Lopez

Argument waived, cause submitted.

B193732     People  
              v.  
              Rouse

Merits:

Argued by Joanna McKim for appellant and by J. Michael Lehmann,  
Deputy Attorney General for respondent. Cause submitted.

B195959     People  
              v.  
              Zankich and Gray

Merits:

Argued by Robert Walters for appellant Gray; Shawn O’Laughlin for  
appellant Zankich and by David Wildman, Deputy Attorney General for  
respondent. Cause submitted.

B200176     Los Angeles County, D.C.S.  
              v.  
              Darlene T., et al.

Merits:

Argued by Kim Nemoy, Deputy Counsel Counsel for appellant and by  
Merrill Toole for respondents. Cause submitted.

DIVISION TWO (continued)

B196340 Ford Motor Company

v.

Person Ford

Merits:

Argued by Richard Derevan for appellant and by Robert Wolfe for respondent. Cause submitted.

B189133 Great American Ins. Co., et al.

v.

Los Angeles Unified School District

Merits:

Argued by Joseph Miller for appellant Hayward; by John Immordino for appellant Great American and John Dacey for respondent. Cause submitted.

Court adjourned.

B199559 The People

(Not for Publication)

v.

Mack

The order imposing \$95 in attorney fees is stricken. In all other respects, the judgment is affirmed.

Boren, P.J.

We concur: Ashmann-Gerst, J.  
Chavez, J.

DIVISION THREE

B196823 Campbell (Not for Publication)  
v.  
Campbell

The order is affirmed. Costs on appeal are awarded to respondent Alexandria Campbell.

Kitching, J.

We concur: Klein, P.J.  
Aldrich, J.

B201341      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Noe P., et al.

The July 26, 2007, order terminating parental rights is affirmed.

Kitching, J.

We concur:   Croskey, Acting P.J.  
                  Aldrich, J.

B196029      G. I. McDougal, Inc., et al.      (Not for Publication)  
v.  
Mail Boxes Etc., Inc., et al.

The judgment is reversed. Costs on appeal are awarded to plaintiffs Gil I. McDougal, Inc., Sanford Industries, Inc., and Martin Senoff, Inc.

Kitching, J.

We concur: Klein, P.J.  
Aldrich, J.

May 23, 2008 (Continued)

### DIVISION THREE (continued)

B194582 People (Not for Publication)

V.

Ebony B.

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.

Aldrich, J.

B194478 People (Not for Publication)

V.

Efren Silva Martinez

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.

Aldrich, J.

B196118 Fink (Not for Publication)

V.

Moreno, Becerra &amp; Guerrero, Inc., et al.

The judgment from which plaintiff has appealed is affirmed. Costs on appeal to defendants.

Croskey, Acting P.J.

We concur:   Kitching, J.

Aldrich, J.

DIVISION FOUR

B199599 People (Not for Publication)  
v.  
Mermejo

The \$3,400 restitution and parole revocation fines and the second \$20 court security assessment fee are stricken and in all other respects the judgment is affirmed. The superior court is directed to prepare a corrected abstract of judgment and forward it to the Department of Corrections and Rehabilitation

Epstein, P.J.

We concur: Willhite, J.  
Manella, J.

B197393 People (Not for Publication)  
v.  
Franco

The 10-year term imposed under section 186.22, subdivision (b)(1)(C) is reversed. The matter is remanded. Upon remand, the trial court is directed to strike the 10-year term imposed under section 186.22, subdivision (b)(1)(C) and to prepare and forward to the Department of Corrections and Rehabilitation an amended abstract of judgment reflecting this change. In all other respects, the judgment is affirmed.

Manella, J.

We concur: Epstein, P.J.  
Willhite, J.

## DIVISION FOUR (continued)

B206049 Tina L. (Certified for Publication)  
v.  
Superior Court, Los Angeles County  
(Los Angeles County Department of Children and Family Services, r.p.i.)

Let a peremptory writ of mandate issue directing the juvenile court to (1) vacate its order of February 19, 2008, terminating reunification services and scheduling a permanency planning hearing, and (2) order DCFS to comply with the inquiry and notice provisions of the ICWA, 25 U.S.C. section 1901 et seq., and applicable state law, Welfare and Institutions Code section 224 et seq. If, after proper inquiry and notice, no response is received from a tribe indicating Rayna and Rudy are Indian children, all previous findings and orders shall be reinstated. If a tribe determines that the minors are Indian children, or if other information is presented to the juvenile court that suggests the minors are Indian children, the juvenile court is ordered to conduct a new review hearing in conformity with all provisions of the ICWA and California law relating to child custody proceedings involving Indian children. This opinion is final immediately as to this court. (Cal. Rules of Court, rule 8.264(b)(3).)

Willhite, J.

We concur: Epstein, P.J.  
Manella, J.



## DIVISION EIGHT

B194648      Hacker et al.,      (Not for Publication)  
v.  
Fabe,

The trial court's order granting Fabe's special motion to strike under Code of Civil Procedure section 425.16 is reversed, and the cause is remanded to the trial court with instructions to vacate the order and subsequent judgment of dismissal, and to enter a new order denying the motion. The trial court's order denying attorney's fees to Fabe is dismissed as moot. Each party shall bear its own costs on appeal.

Egerton, J. (Assigned)

We concur: Rubin, Acting -+P.J.  
Flier, J.

B196173      Jewell  
v.  
Blonde, Inc.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)